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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,928	04/15/2004	Mark Moore	MOM-100	9048

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EXAMINER

SPISICH, MARK

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/825,928

Applicant(s)

MOORE, MARK

Examiner

Mark Spisich

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 29-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 29-46 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 17 July 2006.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: #30 (as per page 7, line 29). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Comment RE Claims 13 and 15***

Applicant should note that claim 15 is an exact duplicate of claim 13.

### ***Claim Rejections - 35 USC § 112***

3. Claims 2-5,9-12,14 and 17-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

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subject matter which applicant regards as the invention. The claims include numerous references to "longitudinal plane A-A". Such a plane is not previously defined in the claims. The mere reference to a particular plane disclosed and shown in the drawings does not define the plane to the extent disclosed. The claims, and not the specification, must define the plane. Applicant, in order for these claims to have any meaning, will have to narrow down the orientation of the plane relative to the structure of the device. "The two or more" (claim 19, line 1) lacks antecedent. It is further pointed out that this set of claims (17+) recited at least two set of three teeth. "The one or more teeth" (claims 20 and 21, line 1) lacks antecedent. Applicant should review the claims for any additional informalities.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5,7-12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Walton et al (USP 5,426,811). The patent to Walton discloses a cleaning device comprising a handle (82), brush (86) and teeth (87) (figure 6 and column 2, lines 50-58). Applicant has attempted to define the teeth in terms of a relationship between some "longitudinal plane A-A" defined in the specification; however, the CLAIMS do not define the orientation of this plane with any specificity. Any plane (which is simply an imaginary frame of reference) could be taken through the device such that it met the

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claims recitation(s). There is currently nothing in the claims that requires "the plane" and the teeth to be oriented as in figure 7 of the drawings). This applies equally to the subsequent rejections. The recitation of "razor cleaning device" pertains to the intended use of the device and fails to define any structure in an apparatus claim (this applies to all of the subsequent rejections as well).

6. Claims 1-5,7-12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gunderson (USP 3,047,896). The patent to Gunderson discloses a device (10) comprising a handle (12), brush (17) and teeth (20).

7. Claims 1-13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Golden (USP 3,467,978). The patent to Golden discloses a device comprising a handle (10), brush (16), teeth (20) (figure 8) as well as an absorbent material (12).

8. Claims 1-5 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Engstrom (USP 4,858,266). The patent to Engstrom discloses a tool (10) comprising a handle (11), brush (34) and teeth (24).

9. Claims 1-5 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Myers (USP 6,112,364). The patent to Myers discloses a tool (10) comprising a handle (11), brush (fig 8) and teeth (30).

10. Claims 1-5,7-12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris, Jr. (USP 3,270,363). The patent to Harris discloses a tool (1) comprising a handle (3) with a brush (7) and teeth (5).

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11. Claims 1-5,7-12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kerr et al (USP Des. 347,255). The patent to Kerr discloses a tool having a brush as well as teeth at one end of a handle thereof.

12. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by LaClair (USP 5,447,572). The patent to LaClair discloses a too (10) comprising a handle (12), brush (34) and tooth (24).

13. Claims 1-5,7-12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Solomon (USP 2,230,610). The paten to Solomon discloses a tool (10) comprising a handle (11), brush (17) and teeth (20).

14. Claims 1-5,8-12 and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Holliday et al (USP 6,243,906). The patent to Holliday discloses a tool (10) comprising a handle (12), brush (16) and two sets of parallel teeth (30,32).

15. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwartz (USP 2,857,608). The patent to Schwartz discloses a tool comprising a handle (1), brush (13) and tooth (6).

16. Claims 1-13 and 15-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Giustino (USP 3,366,987). The patent to Giustino discloses a tool (10) comprising a handle (11,12,18), brush (31), two sets of teeth (23) and an absorbent material (27).

17. Claims 1-5,7-12 and 16-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Cole (USP 202,410). The patent to Cole discloses a tool comprising a handle, brush (A) and three sets of teeth (B).

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 6,13,15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holliday et al (USP 6,243,906) in view of Nichols, Jr. (USP 3,968,535). The patent to Holliday discloses the invention substantially as claimed with the exception of the provision of an absorbent material somewhere on the handle. The patent to Nichols discloses that it is known in the art of windshield cleaners (the art of Holliday) to provide a combination of a brush (54), scraper (30) and absorbent material (60). It would have been obvious to one of ordinary skill to have provided an absorbent material to the device of Holliday so that more cleaning functions could be performed.

***Allowable Subject Matter***

20. Claims 14 and 23-28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

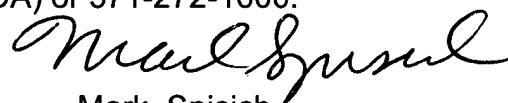
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mark Spisich  
Primary Examiner  
Art Unit 1744

MS